

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00289-JEB**

CHAVERRA v. U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT et al
Assigned to: Judge James E. Boasberg
Cause: 05:552 Freedom of Information Act

Date Filed: 02/08/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**GILBERTO RODRIGUEZ
CHAVERRA**
*as the Administrator of the Estate of
Jeancarlo*

represented by **R. Andrew Free**
LAW OFFICE OF R. ANDREW FREE
P.O. Box 90568
Nashville, TN 37209
(844) 321-3221
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Email: andrew@immigrantcivilrights.com
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT**

represented by **Benton Gregory Peterson**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2534
Fax: (202) 252-2599
Email: benton.peterson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF HOMELAND
SECURITY OFFICE OF
INSPECTOR GENERAL**

represented by **Benton Gregory Peterson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF HOMELAND
SECURITY OFFICE FOR CIVIL
RIGHTS AND CIVIL LIBERTIES**

represented by **Benton Gregory Peterson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

STEWART D. SMITH
*Dr., in his Official Capacity as Assistant
Director for the Department of Homeland
Security, U.S. Immigration and Customs
Enforcement, ICE Health Services Corps*

represented by **Benton Gregory Peterson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 02/08/2018 | <u>1</u> | COMPLAINT for Declaratory and Injunctive Relief and Petition for Writ of Mandamus against All Defendants (Filing fee \$ 400 receipt number 0090-5325336) filed by Gilberto Rodriguez Chaverra. (Attachments: # <u>1</u> Civil Cover Sheet Cover |

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| | | Sheet, # <u>2</u> Summons ICE–USAO, # <u>3</u> Summons DHS–OIG–USAO, # <u>4</u> Summons DHS–CRCL–USAO, # <u>5</u> Summons Smith–USAO, # <u>6</u> Exhibit A – ICE FOIA Receipt, # <u>7</u> Exhibit B – ICE Public Notice, # <u>8</u> Exhibit C – ICE FOIA Acknowledgement, # <u>9</u> Exhibit D – ICE Response, # <u>10</u> Exhibit E – FOIA Appeal to ICE, # <u>11</u> Exhibit F – ICE Appeal Acknowledgement, # <u>12</u> Exhibit G – ICE Appeal Response, # <u>13</u> Exhibit H – ICE FOIA Request SDC, # <u>14</u> Exhibit I – ICE Clarification Request 999, # <u>15</u> Exhibit J – ICE Acknowledgement 999, # <u>16</u> Exhibit K – ICE Status Tool 999, # <u>17</u> Exhibit L – ICE Acknowledgement 998, # <u>18</u> Exhibit M – ICE Status Tool 998, # <u>19</u> Exhibit N – OIG FOIA Request, # <u>20</u> Exhibit O – OIG FOIA Acknowledgement, # <u>21</u> Exhibit P – OIG FOIA Status Tool, # <u>22</u> Exhibit Q – CRCL FOIA 1, # <u>23</u> Exhibit R – CRCL FOIA 2, # <u>24</u> Summons ICE – USAG, # <u>25</u> Summons OIG – USAG, # <u>26</u> Summons CRCL – USAG, # <u>27</u> Summons Smith – USAG, # <u>28</u> Summons ICE – OGC, # <u>29</u> Summons OIG – OGC, # <u>30</u> Summons CRCL – OGC, # <u>31</u> Summons Smith – OGC)(Free, R.) (Entered: 02/08/2018) |
| 02/09/2018 | | Case Assigned to Judge James E. Boasberg. (zsb) (Entered: 02/09/2018) |
| 02/09/2018 | <u>2</u> | SUMMONS (5) Issued Electronically as to DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, STEWART D. SMITH, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 02/09/2018) |
| 02/09/2018 | | SUMMONS Not Issued as to U.S. Attorney (zsb) (Entered: 02/09/2018) |
| 02/09/2018 | <u>3</u> | ERRATA <i>Corrected Complaint</i> by GILBERTO RODRIGUEZ CHAVERRA <u>1</u> Complaint,,,,, filed by GILBERTO RODRIGUEZ CHAVERRA. (Attachments: # <u>1</u> Errata Complaint (Corrected))(Free, R.) (Entered: 02/09/2018) |
| 03/21/2018 | <u>4</u> | REQUEST FOR SUMMONS TO ISSUE <i>as to US Attorney's Office</i> filed by GILBERTO RODRIGUEZ CHAVERRA.(Free, R.) (Entered: 03/21/2018) |
| 03/22/2018 | <u>5</u> | SUMMONS (1) Issued Electronically as to U.S. Attorney. (znmw) (Entered: 03/22/2018) |
| 04/02/2018 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/29/2018. Answer due for ALL FEDERAL DEFENDANTS by 4/28/2018. (Free, R.) (Entered: 04/02/2018) |
| 04/02/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES served on 2/15/2018; DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL served on 2/15/2018; STEWART D. SMITH served on 2/15/2018; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT served on 2/15/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/16/2018. (See Docket Entry <u>6</u> to view document). (znmw) (Entered: 04/03/2018) |
| 04/26/2018 | <u>8</u> | Unopposed MOTION for Extension of Time to File by DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, STEWART D. SMITH, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 04/26/2018) |
| 04/27/2018 | | MINUTE ORDER GRANTING <u>8</u> Motion for Extension of Time to Answer. The Court ORDERS that Defendants shall respond to the Complaint on or before June 4, 2018. So ORDERED by Judge James E. Boasberg on 4/27/2018. (lcjeb3) (Entered: 04/27/2018) |
| 04/27/2018 | | Set/Reset Deadlines: Responses due by 6/4/2018. (znbn) (Entered: 04/27/2018) |
| 06/04/2018 | <u>9</u> | (Partial) MOTION to Dismiss by DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, STEWART D. |

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| | | SMITH, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) Modified on 6/5/2018 (ztd). (Entered: 06/04/2018) |
| 06/04/2018 | <u>10</u> | ANSWER to Complaint by DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, STEWART D. SMITH, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.(Peterson, Benton) (Entered: 06/04/2018) |
| 06/25/2018 | <u>11</u> | Unopposed MOTION for Leave to File <i>Memorandum of Points and Authorities in Opposition to Defendants' Partial Motion to Dismiss</i> by GILBERTO RODRIGUEZ CHAVERRA (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit A – Plaintiff's Memorandum of Points and Authorities in Opposition to Defendants' Partial Motion to Dismiss)(Free, R.) (Entered: 06/25/2018) |
| 06/25/2018 | | MINUTE ORDER GRANTING <u>11</u> Motion for Leave to File Memorandum. The Court ORDERS that Plaintiff's Memorandum of Points and Authorities in Opposition to Defendants' Partial Motion to Dismiss is deemed FILED and that Defendants' Reply shall be due on or before July 11, 2018. So ORDERED by Judge James E. Boasberg on 6/25/2018.(lcjeb2) (Entered: 06/25/2018) |
| 06/25/2018 | | Set/Reset Deadlines: Replies due by 7/11/2018. (znbn) (Entered: 06/25/2018) |
| 06/25/2018 | <u>12</u> | Unopposed MOTION for Extension of Time to File Response/Reply as to <u>9</u> MOTION to Dismiss by DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, STEWART D. SMITH, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 06/25/2018) |
| 06/25/2018 | <u>13</u> | Memorandum in opposition to re <u>9</u> MOTION to Dismiss filed by GILBERTO RODRIGUEZ CHAVERRA. (ztd) (Entered: 06/26/2018) |
| 07/02/2018 | | MINUTE ORDER GRANTING <u>12</u> Motion for Extension of Time to File Response/Reply. The Court ORDERS that Defendants shall file their reply on or before July 20, 2018. So ORDERED by Judge James E. Boasberg on 7/2/2018. (lcjeb2) (Entered: 07/02/2018) |
| 07/02/2018 | | Set/Reset Deadlines: Reply due by 7/20/2018. (znbn) (Entered: 07/02/2018) |
| 07/18/2018 | <u>14</u> | Unopposed MOTION for Extension of Time to File Response/Reply as to <u>9</u> MOTION to Dismiss by DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, STEWART D. SMITH, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 07/18/2018) |
| 07/18/2018 | | MINUTE ORDER granting <u>14</u> Motion for Extension of Time to File Response/Reply. The Court ORDERS that Defendants' Reply shall be due on or before July 27, 2018. So ORDERED by Judge James E. Boasberg on 7/18/2018.(lcjeb2) (Entered: 07/18/2018) |
| 07/18/2018 | | Set/Reset Deadlines: Response/Reply due by 7/27/2018. (nbn) (Entered: 07/19/2018) |
| 07/27/2018 | <u>15</u> | REPLY to opposition to motion re <u>9</u> MOTION to Dismiss filed by DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, STEWART D. SMITH, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Declaration)(Peterson, Benton) (Entered: 07/27/2018) |
| 10/02/2018 | <u>16</u> | ORDER GRANTING <u>9</u> Partial Motion to Dismiss. The Court ORDERS that: 1) Defendants' <u>9</u> Partial Motion to Dismiss is GRANTED; 2) Counts VI and VII are DISMISSED WITHOUT PREJUDICE; and 3) The parties shall meet, confer, and submit a joint proposed briefing schedule for the remaining FOIA counts by October 16, 2018. Signed by Judge James E. Boasberg on 10/2/2018. (lcjeb2) (Entered: 10/02/2018) |

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| 10/02/2018 | <u>17</u> | MEMORANDUM OPINION re <u>16</u> Order Granting Partial Motion to Dismiss. Signed by Judge James E. Boasberg on 10/2/2018. (lcjeb2) (Entered: 10/02/2018) |
| 10/02/2018 | | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 10/16/2018. (znbn) (Entered: 10/03/2018) |
| 10/16/2018 | <u>18</u> | Joint STATUS REPORT by GILBERTO RODRIGUEZ CHAVERRA. (Free, R.) (Entered: 10/16/2018) |
| 10/17/2018 | | MINUTE ORDER: Per the parties' <u>18</u> Joint Status Report, the Court ORDERS that they shall file a further Joint Status Report by November 15, 2018. So ORDERED by Judge James E. Boasberg on 10/17/2018. (lcjeb2) (Entered: 10/17/2018) |
| 11/15/2018 | <u>19</u> | Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Peterson, Benton) (Entered: 11/15/2018) |
| 11/15/2018 | | MINUTE ORDER: The Court ADOPTS the parties' <u>19</u> Joint Status Report and ORDERS that they shall file a further Joint Status Report by December 17, 2018. So ORDERED by Judge James E. Boasberg on 11/15/2018. (lcjeb2) (Entered: 11/15/2018) |
| 11/15/2018 | | Set/Reset Deadlines: Joint Status Report due by 12/17/2018. (znbn) (Entered: 11/16/2018) |
| 12/18/2018 | <u>20</u> | Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, STEWART D. SMITH, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Peterson, Benton) (Entered: 12/18/2018) |
| 12/18/2018 | | MINUTE ORDER: The Court ADOPTS the parties' <u>20</u> Joint Status Report and ORDERS that they shall file a further Joint Status Report by January 31, 2019. So ORDERED by Judge James E. Boasberg on 12/18/2018. (lcjeb2) (Entered: 12/18/2018) |
| 12/19/2018 | | Set/Reset Deadlines: Joint Status Report due by 1/31/2019. (znbn) (Entered: 12/19/2018) |
| 01/31/2019 | <u>21</u> | Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Peterson, Benton) (Entered: 01/31/2019) |
| 01/31/2019 | | MINUTE ORDER: The Court ADOPTS the parties' <u>21</u> Joint Status Report and ORDERS that they shall file a further Joint Status Report by February 8, 2019. So ORDERED by Judge James E. Boasberg on 1/31/2019. (lcjeb1) (Entered: 01/31/2019) |
| 01/31/2019 | | Set/Reset Deadlines: Joint Status Report due by 2/8/2019. (znbn) (Entered: 02/01/2019) |
| 02/08/2019 | <u>22</u> | Joint STATUS REPORT by DEPARTMENT OF HOMELAND SECURITY OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES, DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Peterson, Benton) (Entered: 02/08/2019) |